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ORIGIN AND GROWTH OF ENGLISH CONSTITUTION. 91

receipts or gross produce, may or may not be shifted to the consumer—with the probability that, in the great majority of cases, the whole, or almost the whole, of the tax will be so shifted" (p. 293).

Professor Seligman's study of "shifting and incidence" has taken a permanent place in the science of finance. So far as the guiding principles can possibly be formulated they are set forth in this work. The author is not dogmatic; he does not attempt to formulate natural laws, nor does he strive after over-precision. But with these principles to guide us we can safely proceed to investigate the maze of the actual operations of the different taxes in use. Almost innumerable taxes, combined in as many different ways, make up the tax systems of the different countries, and without a complete analysis of the incidence of each tax we can form no proper opinion as to the effect of any system or of its justice. Professor Seligman offers us the key to the puzzle.

CARL C. PLEHN.

University of California.

Origin and Growth of the English Constitution. An Historical Treatise. By HANNIS TAYLOR. Two Volumes. Pages 616 and 644. Price, \$9.00. New York; Boston: Houghton, Mifflin & Co., Fourth edition of Volume I, 1896, and Volume II, 1898.

To a German or French scholar it would doubtless appear strange that a book of this type should pass through four editions within a period of less than ten years. The work is large, expensive and even technical, while the critics have generally recognized it as a compilation rather than an original investigation. It adds nothing to our ultimate knowledge of the subject, and its popularity therefore testifies strongly to the devotion of the English-speaking people to their form of government and to their book-buying capacity.

"The Origin and Growth of the English Constitution" is distinctly a popular work. We need not look to it for new information or new ideas on the constitutional development of England. This being understood, it must in justice be stated that the work is on the whole well done. It has a certain tone of positiveness on points which the scholar knows must always remain doubtful, an occasional lack of consistency, arising from quotations having been made at one time from one author and at another time from another, certain anachronisms, as that of speaking of the "nation marshaled into the ranks of the three estates," at the time of the Great Charter, which are perhaps inseparable from the plan of the book. But considered as a whole, it excels in continuity of plan and style. The explanations are clear, the narrative spirited, and the language even brilliant. Its fullness of detail is also quite remarkable.

The scholar's attention, however, is attracted at once to the character of the foot-note references, which rarely quote other than purely secondary sources, such as Green's "History of the English People," Dowell's "History of Taxation," Stubbs' "Constitutional History of England," and even Moberly's "Early Tudors." There is nothing to indicate that Mr. Taylor recognizes the difference between primary and secondary sources, between a contemporary record and the judgment of the modern historian. Nor are the latest secondary authorities employed. While the fourth edition of Volume I bears date 1896, no reference is made to the publications of Maitland, which, before that time, had modified the study of the whole early period of English history most profoundly. The second volume bears the date 1898. Scutage in it is still defined as "a pecuniary compensation in lieu of military service," while Round, whose name is not mentioned, had long before this time proved it to be something very different, as well as leading us to change several time-honored views concerning feudalism. The author quotes Hallam, Reeves and Main but neglects later writers. He is apt, moreover, to consider as co-ordinate authorities writers representing different stages of historic investigation, as, for instance, Kemble and Stubbs.

In his preface Mr. Taylor calls attention to the impossibility of covering his theme extending through the annals of fourteen centuries by original research. In this we quite agree with him, though he mistakes the alternative for such a course. It is not found in a series of quotations from the writings of others but in utilizing their guidance. The later student must build on the work of the earlier student by finding from him what is real material and what is not, what are the sources and how they should be utilized. The later architect builds upon the work of his predecessors, not by using their building materials, but by employing the principles they have developed, avoiding the dangers they have discovered. In the last resort every scholarly writer is, therefore, bound to interpret the materials of his history for himself, not to take the views or judgment of any other man, no matter how respectable.

We have been led to speak more at length of the work from the scholar's point of view than would otherwise have seemed called for, because of a certain pretentiousness, for which the publishers are probably quite as responsible as the author. This impression is increased by the thoughtless and extravagant laudations of some of the published appreciations, written for the most part by teachers of law in American colleges, which it may be added throw a painful light upon the training of lawyers in history.

The book is a full and well-written presentation of the common-places of English constitutional history but cannot aspire to a higher place. It does not appeal to the scholar, and the general reader would doubtless have found it quite as useful in a more abridged and less costly presentation.

E. P. CHEYNEY.

University of Pennsylvania.